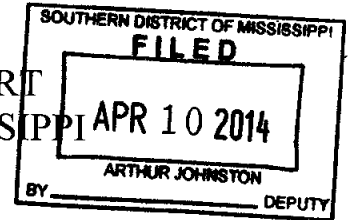


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



DOUGLAS HANDSHOE

v.

DANIEL G. "DANNY" ABEL

Civil Action No. 1:14CV159KG-MTP

**COMPLAINT FOR VIOLATION
OF 17 U.S.C. § 512(F)**

COMES NOW into court, Plaintiff Douglas Handshoe, sole owner of Slabbed New Media, LLC, who files this complaint against Defendant Daniel G. "Danny" Abel for willful violation of 17 U.S.C. § 512(F) and states as follows:

I. INTRODUCTION

1. This is a case about the misuse of the copyright law in an attempt to suppress truthful reporting on matters in the public court record. Plaintiff, Douglas Handshoe, authored two blog posts, which were made available through the HostGator.com, LLC hosting service for his interactive website located at www.slabbed.org. Defendant falsely claimed to be the legal representative of a minor child that is subject to a bitter custody dispute, whose drawing of a child being sodomized by a line of homosexual robots was filed into the public record of the State of Louisiana District Court case styled Yount v Steitle¹. Defendant Abel sent a DMCA takedown notice to Plaintiff's webhost, causing said webhost, HostGator.com LLC to disable access to the two posts which linked this very disturbing and newsworthy depiction of an act of sexual abuse. Defendant made knowing material misrepresentations in the notice of

¹ This case, docket and its documents were all publically available via the Jeff Net, an Internet service sponsored by the Jefferson Parish Clerk of Court that allows access to real property, civil, criminal, and other public records.

claimed infringement that he submitted to HostGator.com LLC, and Defendant must be held responsible for the harm that his misrepresentations caused.

II. NATURE OF THE ACTION

2. This is an action for violation of 17 U.S.C. § 512(f), which provides for a cause of action against one who knowingly materially misrepresents that material or activity is infringing under the Digital Millennium Copyright Act.

III. PARTIES

3. Plaintiff Douglas Handshoe both publishes his company's website and resides within this judicial district. His principal office is located at 110 Hall Street, Wiggins, Mississippi 39577.
4. Defendant Daniel G. "Danny" Abel is a person of age and a citizen, domiciliary of the State of Louisiana and who resides and is domiciled at the Super 8 Motel in Jefferson Parish Louisiana located at 2421 Clearview Parkway, Room 106, Metairie, LA 70001.

IV. JURISDICTION AND VENUE

5. Plaintiff's claims arise under the copyright laws of the United States, 17 U.S.C. §§ 101 et seq., and Title II of the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512.
6. This Court has personal jurisdiction over Defendant Abel because Abel intentionally caused harm to Plaintiff Handshoe in Mississippi. Defendant's actions in forcing Plaintiff to take down posts from the Slabbed New Media LLC website were directed to a Mississippi legal business entity and had an impact on the business of that entity, including causing damages, which subject the defendant to the jurisdiction and venue of this Honorable Court. Defendant knew or should have known that his conduct would subject him to the jurisdiction and venue in this Court.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1338, and the Declaratory Judgment Act, 28 U.S.C. § 2201.
8. Venue is proper in this district under 28 U.S.C. § 1391.

V. FACTUAL BACKGROUND

9. On February 13, 2014, Plaintiff published *Very disturbing child welfare issues raised in 24th JDC case* which is attached as Exhibit 1. This post contained an image drawn by a minor of a young child being sodomized by a line of robots. The image was obtained via Jeff Net from the case *Yount v Steitle*. The minor child in question has been subject of a very bitter custody dispute that literally spans years. The drawing, uploaded to the DeviantArt.com website by the minor, was discovered by a responsible adult and subsequently filed into the court record². On its face this disturbing image represents a serious cry for help from a child failed by the Jefferson Parish court system to timely resolve a bitter custody dispute.
10. On February 21, 2014, Plaintiff published *Ready, Willing and unAbel: A Super 8 Motel Legal Department Update* which is attached as Exhibit 2. This post contained a hyperlink to the image contained in the case *Yount v Steitle* referred to above. This post concerns Defendant Abel claiming in official court filings that he was too ill to litigate certain of his cases, one of which has been the subject of several news reports in both the New Orleans Advocate and New Orleans Times Picayune, while he actually was actively litigating others during the same time period³.

² Upon knowledge and belief this post has also resulted in the Jefferson Parish District Attorney opening a criminal investigation into the matter.

³ That case is styled *Gates v Swartz* in the United States District Court for the Eastern District of Louisiana wherein Abel, on behalf of his adopted son Shane Gates filed suit against Louisiana District Court Judge Richard Swartz alleging Treason.

11. On February 28, 2014, Plaintiff received a DMCA takedown notice from webhost HostGator.com LLC which is attached as Exhibit 3. This takedown notice contained the text of an email sent by Defendant Abel to HostGatorLLC.com wherein Abel claimed the public court document was somehow copyrighted and that he represented the minor child that drew and uploaded the drawing to a public website via representation of the child's father. Both assertions are false and thus material misrepresentations of fact.⁴
12. In reliance on the Misrepresentations, pursuant to the procedure set forth in the DMCA, HostGator.com LLC acted expeditiously to disable access to the material identified in the notice. But for those misrepresentations, HostGator.com LLC would not have disabled access to the posts containing the media identified in the notice.

VI. CAUSE OF ACTION
(Misrepresentation under 17 U.S.C. § 512(f))

13. Plaintiff incorporates herein by reference the allegations of the preceding paragraphs of this Complaint.
14. The Takedown Notice represented that the Handshoe posts infringed copyrights owned by a minor on whose behalf Defendant was authorized to act.
15. The Handshoe posts do not infringe any copyright owned by a minor child or by any entity on whose behalf Defendant was authorized to act.
16. The Takedown Notice contained misrepresentations that material or activity was infringing.
17. On information and belief, Defendant knew at the time he sent the Takedown Notice that the representations in the Takedown Notice that material or activity was infringing were false.

⁴ The Jefferson Parish Court belatedly appointed the Stuart H. Smith Law Clinic and Center for Social Justice of Loyola University New Orleans to represent the interests of the minor child well before Abel filed the DMCA Takedown Notice in question. Additionally, the takedown notice submitted by Abel references a "court order", which to this day remains a mystery to Plaintiff.

18. The misrepresentations contained in the Takedown Notice were material to HostGator.com, LLC's decision to remove, or disable access to, the Handshoe posts.
19. Plaintiff suffered damages as the result of HostGator.com, LLC's relying upon such misrepresentation in removing or disabling access to the material or activity claimed to be infringing.

PRAYER FOR RELIEF


WHEREFORE, Plaintiff prays for judgment as follows:

- a. For damages according to proof;
- b. For costs and attorneys' fees pursuant to 17 U.S.C. § 512(f), or otherwise as allowed by law; and
- c. For such other and further relief as the Court shall find just and proper.

**PLAINTIFF CONSENTS TO RULE 73 NON-JURY TRIAL BEFORE A
MAGISTRATE OF THIS HONORABLE COURT**

Plaintiff hereby consents to a trial before a United States Magistrate for all issues so triable under Rule 73 of the Federal Rules of Civil Procedure.

Respectfully submitted this 10th day of April, 2014,



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